S.B. Criminal Misc. II Bail Application No.4741/2006

Date : 20.10.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Ramesh Purohit for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicnat is that the prosecutrix is a major and in this connection he submits that as per school certificate her age is 18 years and according to medical report her age is between 17 to 18 years. He submits that the statement of the prosecutrix reveals that it is a case of consent. He further submits that the prosecutrix along with the applicant went to various places and where she has ample opportunity to disclose her identity. He invited my attention to the statement of the prosecutrix.

On the other hand, learned Public Prosecutor has opposed the bail application.

After hearing learned counsel for the parties and taking into consideration the overall facts and circumstances of

the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Waqar alias Waqar Mohd S/o Iqbal Hussain shall be released on bail in FIR No.118/2006 P.S. Chhotisadri, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial. However, it is observed that the observation made hereinabove shall have no effect when the matter is considered by the trial court on merit. The observations made are strictly limited to disposal of the bail application.

(SATYA PRAKASH PATHAK), J.